REMARKS

The Applicant respectfully requests amending the first full paragraph on page 8, lines 4–5 of the specification with the specified amendments (so as to distinguish it from the otherwise identical fifth full paragraph on page 7, lines 24–25). These changes only correct a clerical error and add no new matter to the specification.

Claims 1–3, 5–21, 23–33, and 36 are pending in the instant application, of which claims 1 and 20 are independent. Claims 1, 3, 6, 20–21, 24–25, and 29 are amended herein, claim 36 is added, and claims 4, 22, and 34–35 are canceled without prejudice. The Applicant respectfully requests reconsideration and allowance of claims 1–3, 5–21, and 23–33, and consideration and allowance of claim 36.

I.   35 U.S.C. § 102(e) Rejection of Claims 1–35

Claims 1–35 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Leydier (U.S. Patent No. 6,848,619, hereinafter referred to as "Leydier").

The Applicant respectfully amends and traverses as follows.

Claim 1

Independent claim 1 now recites, in relevant portion,

> [A] current source for supplying the processor with substantially constant operating current <u>at multiple nonzero current levels</u>, and adapted to vary its output current independently of an instantaneous power demand of the processor by switching either periodically or aperiodically between the multiple nonzero current levels. (emphasis added)

Claim 1 is amended to essentially incorporate previous claim 4 and a substantial portion of previous claim 6. In addition, the "nonzero" current level limitation is added to further distinguish over the prior art of record.

Leydier does not teach the limitation of supplying "multiple nonzero current levels." Rather, Leydier's system uses a pulse generator to regulate the current flow to the processor through a switch. (Leydier, column 4, lines 41–57, column 5, lines 9–16, FIG. 5) This way, Leydier only uses a single nonzero current level to supply the processor, so the amended claim 1 of the present invention is patently distinguishable over Leydier. Therefore, the Applicant respectfully requests the § 102(e) rejection of independent claim 1 be withdrawn and that this claim be allowed.

Claim 3

Claim 3 still depends from independent claim 1 and is amended to include the "nonzero" current level limitation. Since the Applicant believes claim 3 is distinguishable over Leydier for at least substantially the same reasons as discussed in claim 1 above in addition to other limitations, the Applicant respectfully requests that the § 102(e) rejection of claim 3 be withdrawn and that claim 3 be allowed.

Claim 6

Claim 6 still depends from independent claim 1 and is amended to have its first element incorporated into claim 1. Since the Examiner based his § 102(e) rejection of the previous claim 6 in part on Leydier anticipating the previous claim 1, the amendments to claim 1 (for example, the "nonzero current level" limitations) should now patently distinguish claim 6 over Leydier, as claim 6 incorporates all the terms and limitations of claim 1 in addition to other limitations.

Furthermore, the Examiner claims Leydier teaches the second (now the only) element of previous claim 6, but only cites Leydier column 8, lines 54–67 and column 10, lines 19–21 in support. The cited portions of Leydier, however, discuss only the pulse generator and how it is supposed to regulate current supply to the processor—by selectively allowing the current either to flow or not to flow—in a supposedly unpredictable fashion. Claim 6 of the present invention, on the other hand, utilizes "a second current source adapted to provide a noise current that varies on a random or pseudo-random basis." That is, claim 6 of the present invention utilizes an

entirely separate current source for the noise current (in addition to the first current source), while Leydier only discusses using a single current source in a random fashion to power the processor. This further patently distinguishes the new claim 6 over Leydier. As such, the Applicant respectfully requests that the § 102(e) rejection of claim 6 be withdrawn and that claim 6 be allowed.

Claims 2, 5, and 7–19

The Examiner based his § 102(e) rejection of unchanged claims 2, 5, and 7–19 in part on Leydier anticipating the previous claim 1. Claims 2, 5, and 7–19 still depend ultimately from independent claim 1. Since claim 1 is now amended to further distinguish it over the prior art of record, and since claims 2, 5, and 7–19 incorporate all the terms and limitations of claim 1 in addition to other limitations, the Applicant respectfully requests that the § 102(e) rejection of claims 2, 5, and 7–19 be withdrawn and that these claims be allowed.

Claim 20

Independent claim 20 now recites, in relevant portion,

> [U]tilizing the drawn current to cyclically apportion a substantially constant current flow—between a charge storage device and a processor within the data processing device—that is periodically or aperiodically switched between multiple different nonzero current levels such that the drawn current varies independently of the instantaneous power demand of the processor. (emphasis added)

Claim 20 is amended to incorporate previous claim 22 and a substantial portion of previous claim 24. In addition, the "nonzero" current level limitation is added to further distinguish from the prior art of record.

The Applicant respectfully requests reconsideration of the amended claim 20. As discussed similarly in independent claim 1 above, Leydier does not disclose utilizing "multiple different nonzero current levels." Therefore, the Applicant respectfully requests the § 102(e) rejection of independent claim 20 be withdrawn and that this claim be allowed.

Claim 21

Claim 21 still depends from independent claim 20 and is amended with the "nonzero" current level limitation. Since the Applicant believes claim 21 is distinguishable over Leydier for at least substantially the same reasons as discussed in claim 20 above in addition to other limitations, the Applicant respectfully requests that the § 102(e) rejection of claim 21 be withdrawn and that claim 21 be allowed.

Claim 24

Claim 24 still depends from independent claim 20 and is amended to have its first step incorporated into claim 20. Since the Examiner based his § 102(e) rejection of the previous claim 24 in part on Leydier anticipating the previous claim 20, the amendments to claim 20 (for example, the "nonzero current level" limitations) should now patently distinguish claim 24 over Leydier, as claim 24 incorporates all the terms and limitations of claim 20 in addition to other limitations.

Furthermore, the Examiner claims Leydier teaches both the second and third (now the only) steps of previous claim 24, but only cites Leydier column 8, lines 54–67 and column 10, lines 19–21 in support. The cited portions of Leydier, however, discuss only the pulse generator and how it is supposed to regulate current supply to the processor—by selectively allowing the current either to flow or not to flow—in a supposedly unpredictable fashion. Claim 24 of the present invention, on the other hand, utilizes "a second current source to provide a superposed current that varies on a random or pseudo-random basis" and delivers "the combined current of the first and second current sources to the processor and the charge storage device." That is, claim 24 of the present invention utilizes an entirely separate and randomly varying second current source in addition to the first current source, while Leydier only discusses using a single current source in a random fashion to power the processor. This further patently distinguishes the new claim 24 over Leydier. As such, the Applicant respectfully requests that the § 102(e) rejection of claim 24 be withdrawn and that claim 24 be allowed.

Claims 23 and 33

Unchanged claims 23 and 33 still depend from independent claim 20. As such, the Examiner based his § 102(e) rejection of claims 23 and 33 in part on Leydier anticipating the previous claim 20. Since claim 20 is now amended to further distinguish it over the prior art of record, and since claims 23 and 33 incorporate all the terms and limitations of claim 20 in addition to other limitations, the Applicant respectfully requests that the § 102(e) rejection of claims 23 and 33 be withdrawn and that these claims be allowed.

Claim 25

Amended claim 25 is a multiple dependent claim that now depends from any one of claims 20, 21, 23, and 24. Since the Applicant believes claim 25 is distinguishable over Leydier for at least substantially the same reasons as discussed above in reference to claims 20, 21, 23, and 24, respectively, in addition to other limitations, the Applicant respectfully requests that the § 102(e) rejection of claim 25 be withdrawn and that claim 25 be allowed.

Claims 26–28 and 30–32

Unchanged claims 26–28 and 30–32 depend ultimately from multiple dependent claim 25. Thus, for similar reasoning stated in claim 25 above, the Applicant respectfully requests that the § 102(e) rejection of claims 26–28 and claims 30–32 be withdrawn and that these claims be allowed.

Claim 29

Claim 29 is amended to depend only from multiple dependent claim 27. This is to avoid a potential § 112, 5th paragraph, rejection due to a multiple dependent claim depending from a multiple dependent claim. The previous claim 28 dependence in claim 29 is moved to new claim 36. As such, claim 29 is essentially unchanged and for reasons similar to those expressed in

claims 26–28 and 30–32 above, the Applicant respectfully requests that the § 102(e) rejection to claim 29 be withdrawn and claim 29 be allowed.
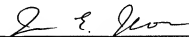

II.   New Claim 36

New claim 36 is the second half of previous claim 29, which needed to be split into two claims to avoid the potential § 112 rejection discussed in Section 1, claim 29, above. By analogous reasoning as that used for claim 29 above, the Applicant respectfully requests that claim 36 be allowed.

III.   Concluding Remarks

In view of the foregoing amendments and remarks, the Applicant respectfully submits that claims 1–3, 5–21, 23–33, and 36 are in condition for allowance, and a timely Notice of Allowability is earnestly solicited. If there are any remaining issues that can be addressed over the telephone, the Examiner is cordially invited to call the Applicant's attorney at the number listed below.

Respectfully submitted,

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